

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
October 7, 2005

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, October 7, 2005 from 12:00 noon until 2:50 p.m.

1. Members present. Robert R. Aylsworth, John Jay Boyce, W. Timothy Crowley, Steve David, Roger L. Duvall, James D Humphrey, Brett J. Niemeyer, Daniel Lee Pflum, and Charles F. Pratt, chair.
2. Staff present. Jeffrey Bercovitz and Anne Jordan provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on June 3, 2005 were approved.
4. Guests present. David Donahue, Commissioner, and Randall Koester, Executive Assistant to the Commissioner, Indiana Department of Correction; James W. Payne, Director, Department of Child Services; Steven M. Badger, Attorney, Chair, Civil Rights of Children Committee, and JauNae M. Hanger, Immediate Past Chair, Civil Rights of Children Committee, ISBA.
5. Delinquents with mental health issues. Committee members discussed the following issues about juvenile delinquents, juveniles incompetent to stand trial, and juveniles in detention with mental health issues:
 - a. Resources for mental health screening and assessment should be considered, including DOC, detention center, and local providers.
 - b. Timing of the referral for mental health screening should be considered, whether at the probable cause hearing, when the attorney is first assigned, or at intake.
 - c. Incompetent to stand trial juveniles is a big concern. Mental disease may or may not contribute to competency to stand trial.
 - d. In some cases, the prosecutor and defense attorney cooperate in referral of a juvenile with mental health issues as CHINS case with a dismissal of delinquency charges if the juvenile receives appropriate treatment.
 - e. Creation of a new CHINS category might solve concerns in this area. A status or crime delinquent found incompetent to stand trial would be referred for treatment as a CHINS case. The JS or JD case would be kept open pending the conclusion of the treatment in the CHINS case.
 - f. Determination a juvenile is mentally ill or incompetent may be problematic. Psychiatrists to make this determination are scarce in smaller counties. Maybe the juvenile diagnostic unit at DOC could perform this function on a statewide basis.
 - g. The threshold for a child to be sent for mental health screening would have to be determined. The threshold cannot be so low that the mental health net is cast widely. A probation officer, OFC caseworker, parent or court must raise issue. A defense attorney

may always raise this issue. The court must still retain right to question juvenile to determine if mental health screening is needed, as in adult system.

- h. If screening and assessment for mental health issues occurs, treatment must occur.
- i. Should screening and assessment occur for all delinquents with mental health issues, juveniles in detention to prevent suicides, or just to determine competency to stand trial.
- j. Courts must distinguish the following:

		Impact
(1)	All juv. screened to determine treatment needs	System
(2)	Detention screen for safety	Procedure
(3)	Competency screen	Response
		Treatment

k. Commissioner David Donahue, DOC, said the maximum security units for adults at DOC with mental health issues were at the Wabash Valley and in Henry County facilities. He stated FSSA has a mental health facility at Logansport. The DOC conducts 14-day assessments and intake for juveniles (boys) at their Logansport facility. He said 60% of juveniles at DOC are managed for mental health needs. Intake looks to FSSA to assist with juvenile mental health services. He offered to share the mental health screening instruments in use at Logansport with committee members.

He said intake at Logansport charges \$40.00 per day to conduct the preadjudication 14-day assessment for juveniles. This cost would increase if judges want all delinquents assessed for mental health issues. More staff would be needed and the facility would have to be reclassified in order to receive federal monies to fund capacity for additional assessments. Since June 2005, 20 juveniles were assessed.

l. James Payne, Director, Department of Child Services, reported the Indiana Department of Education was charged by P.L. 234-2005 to develop a children's social, emotional, and behavioral plan for mental health treatment for juveniles. They are doing this in cooperation with DCS, DOC and DMHA. It includes screening and assessment of juveniles for mental health and other needs based on an Illinois model. There is a public forum for a progress report on October 20, 2005. This committee will have a report by November on how to coordinate this effort across the executive branch. James Payne reported Cathy Boggs, DMHA, is working with this group. This committee will address a protocol for incompetent to stand trial juveniles if the committee is renewed by the legislature.

6. National Judicial Leadership Summit on the Protection of Children. Judge Pratt reported Chief Justice Shepard, James Payne, Judge Loretta Rush, Judge Margaret Robb, Anne Jordan and himself attended the National Judicial Leadership Summit on September 20-23, 2005 in Minnesota concerning the Pew Commission report and the need to expedite permanency for children in care. He agreed to report more about the work of this conference at the next meeting.

7. Civil Rights of Children Committee, ISBA. JaeNue Hanger and Steve Badger distributed the Report on the Children, Mental Health and the Law Summit to members of the committee. Committee members agreed to send issues to Jeff Bercovitz to give Ms. Hanger within two (2) weeks. Members of the committee agreed to respond to questions from Ms. Hanger about the information presented at today's meeting. Committee members agreed to listen to a review of the report and a proposed pilot project to screen juveniles with mental health issues in detention centers at the next meeting.

8. Other. Jeff Bercovitz distributed the following:

- a. Department of Child Services policy for record checks for out-of-home placements in CHINS cases. Committee members agreed to review the policy and discuss it at the next meeting with a view towards adopting in for use by probation for delinquents.
- b. Notice from Karen Grau about her program on MSNBC on abused children.
- c. Notice of a stakeholder's meeting on child welfare mental health screening, assessment and treatment initiative on October 24, 2005 from 10:00 a.m. - 12:00 noon in IGCS.
- d. Survey of waiver of juvenile jurisdiction by Prof. Jill DeAngelo, Ball State University
- e. Newspaper articles about juvenile law issues from June 2, 2005 to October 4, 2005.
- f. Judge Pratt distributed an article entitled, "Money Matters: Child Attorney Compensation Models by Althea Izawa-Hayden, ABA Child Law Practice, Vol. 24, No. 7, September 2005.

9. Next meeting dates. Committee members agreed to meet again on the following dates: November 4, 2005, January 6, 2006, February 3, 2006, March 3, 2006, May 5, 2006, and June 2, 2006 all from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law